

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2010 OCT 20 AM 7:57

DEPUTY CLERK

UNITED STATES OF AMERICA

v.

NICHOLAS OCHOA

§
§
§
§
§

No.

3. - 10CR - 292 - K

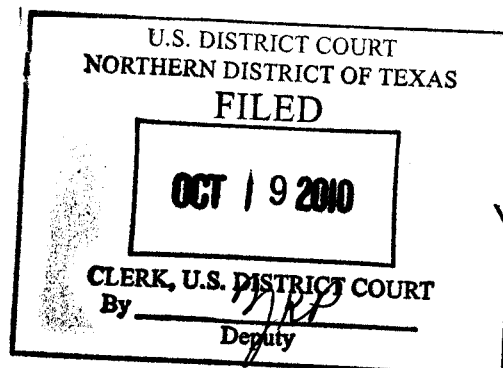
INDICTMENT

The Grand Jury Charges:

Count One

Transporting and Shipping Child Pornography
(Violation of 18 U.S.C. § 2252(a)(1))

On or about January 11, 2010, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Nicholas Ochoa**, knowingly transported and shipped visual depictions using a means and facility of interstate commerce; knowing the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct, and the visual depictions were of such conduct. Specifically, **Ochoa** used the internet and peer-to-peer software to permit file-sharing by other network users of the peer-to-peer software. **Ochoa** caused to be uploaded from his computer hard drive the following files:



File name	Description of image
pthc boy+woman_mom sucks son_10yr in the shower1.mpg	The video depicts a minor male standing in a shower while an unknown individual performs oral sex on the minor male.
pthc 10yo girl with great brother and dad sex.rv	The video depicts a minor female exposing her vagina. An adult male is seen penetrating the minor female's vagina with both his finger and his penis.
(pthc) Inga Childlover_0059.mpg	The video depicts a minor female displaying her genitals in a lewd and lascivious manner. A finger is seen penetrating the minor female's vagina.

In violation of 18 U.S.C. § 2252(a)(1).

Count Two
 Possession of Child Pornography
 (Violation of 18 U.S.C. § 2252A(a)(5)(B))

On or about January 27, 2010, in the Dallas Division of the Northern District of Texas, the defendant, **Nicholas Ochoa**, knowingly possessed material that contained child pornography that was mailed, shipped, and transported using any means and facility of interstate and foreign commerce and was in and affecting interstate commerce by any means, including by computer, and which was produced using materials that had been mailed, shipped and transported in interstate and foreign commerce, in that the defendant possessed a Hewlett Packard laptop computer, model number HPG60, serial number 2CE93630KM that contained visual depictions of minors engaged in sexually explicit conduct as defined in 18 U.S.C. § 2256, including the following:

File Name	Description of image
4-5yo Viola Shows Daddy how she Likes It- 008b2.avi	The video depicts an adult male inserting a device into the vagina and anus of a minor female. The adult male then performs oral sex on the genitals of the minor female.
pthc- Girl Moscow 5you sex.avi	The video depicts a nude minor female lying on a bed while blindfolded. The minor female is displaying her genitals in a lewd and lascivious manner. An adult male is seen rubbing his penis against the genitals of the minor female. The minor female masturbates the penis of the adult male.

pthc Lucy 5yo joystick cums.jpg	The image depicts a minor female lying on a bed and displaying her genitals in a lewd and lascivious manner.
pthc- 2010 Tara 9yo sucksHarry.avi	The video depicts a minor female performing oral sex on an adult male's penis. The minor female is seen displaying her genitals in a lewd and lascivious manner.

In violation of 18 U.S.C. § 2252A(a)(5)(B).

Forfeiture Notice
(18 U.S.C. § 2253(a))

Upon conviction of any or all of the offenses alleged in this indictment and pursuant to 18 U.S.C. § 2253(a), the defendant, **Nicholas Ochoa**, shall forfeit (a) any visual depiction described in 18 U.S.C. § 2252 and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in the respective offense; (b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the respective offense; and (c) and any property, real or personal, used or intended to be used to commit or to promote the commission of the respective offense and any property traceable to such property.

The above-referenced property subject to forfeiture from the defendant includes, but is not limited to, the following:

1. Emachines desktop computer, model number T2642, serial number QIV3C50201860; and


2. Hewlett Packard laptop computer, model number HPG60, serial number 2CE93630KM.

A TRUE BILL



FOREPERSON

JAMES T. JACKS
UNITED STATES ATTORNEY



JASON D. SCHALL

Assistant United States Attorney
Texas State Bar No. 24051295
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

NICHOLAS OCHOA (1)

INDICTMENT

18 U.S.C. § 2252(a)(1)
Transporting and Shipping Child Pornography

18 U.S.C. § 2252A(a)(5)(B)
Possession of Child Pornography

18 U.S.C. § 2253(a)
Forfeiture Notice

2 Counts

A true bill rendered:




DALLAS

FOREPERSON

Filed in open court this _____ day of October, A.D. 2010.

Clerk

WARRANT TO ISSUE AS TO NICHOLAS OCHOA

 10/19/10
UNITED STATES ~~DISTRICT~~ MAGISTRATE JUDGE

NO MAGISTRATE COURT NUMBER PENDING:

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**
Related Case Information

 Superseding Indictment: ☐ Yes ☒ No New Defendant: ☒ Yes ☐ No

 Pending CR Case in NDTX: ☐ Yes ☒ No If Yes, number: _____

 Search Warrant Case Number **3. - 10CR - 292 - R**

R 20 from District of _____

Magistrate Case Number _____

1. Defendant Information

 Juvenile: ☐ Yes ☒ No

If Yes, Matter to be sealed:

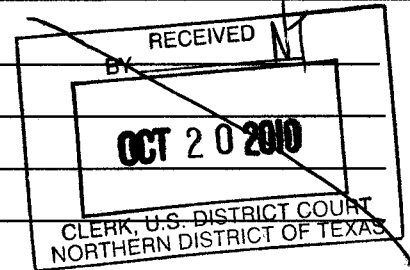
☐ Yes ☒ No

Defendant Name

NICHOLAS OCHOA

Alias Name

Address

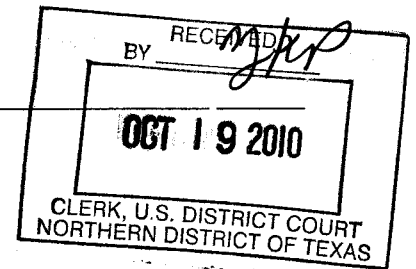
 County in which offense was committed: Dallas

2. U.S. Attorney Information
AUSA Jason Schall

 Bar # Texas State Bar No. 24051295
3. Interpreter
☐ Yes ☒ No

If Yes, list language and/or dialect: _____

4. Location Status WARRANT TO ISSUE

- ☐ Already in Federal Custody as of _____ in _____
☐ Already in State Custody
☐ On Pretrial Release


5. U.S.C. Citations

 Total # of Counts as to This Defendant: **2**
☐ Petty ☐ Misdemeanor ☒ Felony

Citation	Description of Offense Charged	Count(s)
18 U.S.C. § 2252(a)(1)	Transporting and Shipping Child Pornography	1
18 U.S.C. § 2252A(a)(5)(B)	Possession of Child Pornography	2
18 U.S.C. § 2253	Notice of Forfeiture	

Date

10/19/10

Signature of AUSA:

JASON SCHALL